

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7977

EUGENE THOMAS,

Plaintiff - Appellant,

v.

JAMES M. DORRIETY; SCOTTY BODIFORD; TRACY H. KRIEN; PATRICIA
RAE, PA; SUSAN WARD, et al,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Aiken. Margaret B. Seymour, Senior District
Judge. (1:11-cv-01585-MBS)

Submitted: April 17, 2013

Decided: April 30, 2013

Before MOTZ, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Eugene Thomas, Appellant Pro Se. Russell W. Harter, Jr.,
CHAPMAN, HARTER & HARTER, PA, Greenville, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eugene Thomas, a South Carolina inmate, seeks to appeal the district court's order granting Defendants' motion for summary judgment in Thomas' civil rights action. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." Bowles v. Russell, 551 U.S. 205, 214 (2007).

The district court's order was entered on the docket on September 25, 2012. Around the same time, Thomas was transferred to another facility. The district court re-issued the order and judgment on October 1, 2012, after learning of Thomas' address change. Running the thirty-day appeal period from this later date, the latest day for filing a timely notice of appeal was Thursday, October 31, 2012. See Fed. R. App. P. 26(a)(1). Thomas' notice of appeal was filed, at the earliest, on Wednesday, November 14, 2012. See Fed. R. App. P. 4(c)(1).

Because Thomas failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal

period, we are constrained to dismiss the appeal as untimely. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED